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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 MARC A. EARLEY,

11 Plaintiff,

12 v.

13 METRO POLICE DEPARTMENT, *et*
14 *al.*,

15 Defendants.
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Case No. 2:15-cv-01263-LDG (GWF)

ORDER

17 The plaintiff, Marc Earley, filed an application to proceed *in forma pauperis* to
18 prosecute a 42 U.S.C. §1983 civil rights complaint against several defendants. In February
19 2016, the Magistrate Judge granted the request to proceed *in forma pauperis* and screened
20 the complaint. The Magistrate Judge ordered that the complaint be filed (though
21 recommended that one defendant be dismissed with prejudice), that the Clerk of the Court
22 send the required USM-285 forms to Earley, and that Earley shall have 20 days to furnish
23 the USM-285 forms to the U.S. Marshal to permit the U.S. Marshal to serve the summons
24 and complaint on the defendants. Earley was further notified that, after receiving
25 completed USM-285 forms from the U.S. Marshal, he would have 20 days to file notice with
26 the Court identifying the defendants that were served. Earley was notified that, pursuant to


1 Rule 4(m) of the Federal Rules of Civil Procedure, service must be accomplished within 90
2 days from the date the complaint was filed.

3 On October 17, 2017, the Clerk of the Court notified the plaintiff that the complaint
4 had been filed on February 2, 2016, and again notified Earley of the requirements of Rule
5 4(m). The Clerk of the Court further notified Earley that this action may be dismissed
6 unless, prior to November 16, 2017, Earley filed either a proof of service (within the 90-day
7 period) or good cause showing why service had not been made within that period.

8 Earley has neither filed proof that service was made within the 90 day period nor
9 good cause why service was not made within that period. Accordingly,

10 THE COURT **ORDERS** that this matter is DISMISSED without prejudice for failure to
11 serve the defendants within 90 days after the complaint was filed.

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14 DATED this 29 day of November, 2017.

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17 Lloyd D. George
18 United States District Judge
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